(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/539,877 Confirmation: 6327 **Applicants** : MEYER et al. U.S. National Phase of PCT/EP2003/14029 : December 8, 2003 I.A. Filed Title: FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION THEREOF Art Unit : Not yet assigned Examiner : Not yet assigned Atty Docket : 30882/SCG5205 Customer No.: 04743

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND PETITION UNDER 37 C.F.R. § 1.47(a)

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This petition under the provisions of 37 C.F.R. §1.47(a) is submitted in response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed on April 14, 2006.

The facts described below, attested to in the accompanying statement by Christine Davids, and evidenced in the documents attached thereto, show that named coinventor Paul Hendrikx is unavailable to execute the inventor's declaration for the above-identified patent application could not be reached after diligent effort.

"If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor." 35 U.S.C. § 116.

The facts described below and in the accompanying documents show that the joint inventor Paul Hendrikx cannot be found or reached after diligent effort.

As described in the accompanying statement of Christine Davids and the exhibits thereto, named inventor Paul Hendrikx executed a power of attorney document and inventor's declaration at the international stage (Appendix B to the Davids statement, in the German language, is equivalent to Form PCT/RO/101). Copies of the patent application and inventor's declaration referring to the above-identified international patent application prepared by the undersigned's law firm were first sent by Ms. Davids to co-inventor Villari as the patent manager at the assignee Scheuten Glasgroep to obtain the signatures of all inventors. However, Mr. Hendrix had left the employ of Scheuten Glasgroep, and Mr. Villari was not able to obtain his signature. Next, Ms. Davids sent copies of the patent application and inventor's declaration referring to the above-identified international patent application prepared by the undersigned's law firm to Mr. Hendrikx at his last known address (Mambostraat 88, NL-5802 LE Vaals, Netherlands). However, the letter was not picked up. Ms. Davids also tried sending the documents to the same street address in the town of Venray, and that letter came back from the postal service indicating that the residence was not inhabited. Ms. Davids also performed internet searches in the database of the Netherlands telephone service KPN (Koninklijke KPN N.V.), but did not find a person named Paul Hendrikx.

Mr. Hendrikx last confirmed residential address is:

Mambostraat 88

NL 5802 LE-Vaals

Netherlands

On the date of this petition, German counsel for the assignee was provided with a new address, and as part of the ongoing efforts to reach the inventor, the application and inventors declaration were sent to this address:

Serial No. 10/560,758

Honingklaver 117 5803 DE Venray

Netherlands

The facts show that inventor Hendrikx cannot be found or reached after diligent effort. Accordingly, the petition should be granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Conclusion

On the basis of these facts and for the foregoing reasons, it is solicited that the U.S. Patent and Trademark Office grant a patent on this application to the inventors making the application, subject to the same rights which the non-signing inventor would have had if he had joined.

Should the Petitions Officer have any question of form or substance, he or she is encouraged to contact the undersigned attorney at the telephone number and address listed below.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

November 14, 2006

By: /Michael Muczynski/ 48,642 Michael Muczynski Reg. No. 48,642 Attorney for Applicants

6300 Sears Tower 233 South Wacker Drive Chicago, IL 60606 (312) 474-6300

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	: 10/539,877)
Confirmation	: 6327)
)
Applicants	: MEYER et al.)
I.A. Filed	: August 12, 2003)
)
Title: FIRE Pl	ROTECTION)
MEANS AND	METHOD FOR THE)
PRODUCTIO	N THEREOF)
)
Art Unit	: Not yet assigned)
Examiner	: Not yet assigned)
)
Atty Docket	: 30882/SCG5205)
Customer No.	: 04743)
)

STATEMENT OF FACTS UNDER 37 C.F.R. § 1.47(a)

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The undersigned hereby states as follows:

- 1. I am employed as a paralegal assistant in the firm Jostarndt Patentanwalts-AG of Aachen, Germany, European patent counsel for Scheuten Glasgroep BV, which holds rights in the above-identified patent application.
- 2. In my capacity as a paralegal assistant, I assist Dr. Hans-Dieter Jostarndt, a patent agent with the firm in communicating with the assignee, the inventors of the application, and with U.S. patent counsel handling the application (Marshall, Gerstein & Borun LLP, Chicago).
- 3. I make this statement to provide facts known to me concerning the outstanding signatures by the inventor Mr. Paul Hendrikx on the assignment and the declaration and power of attorney for the above-identified patent application.

- 4. Mr. Hendrikx is one of seven named co-inventors of the above-identified patent application. The other named co-inventors have executed declarations for patent application for themselves and on behalf of their non-signing co-inventor. Copies of the declarations are submitted herewith Appendix as Appendix A.
- 5. A complete copy of the above-identified patent application has been sent to Mr. Villari with our letter dated December 8, 2003. As both, Mr. Villari and Mr. Hendrikx were employees of Scheuten Glasgroep at that time the documents were used to be sent to Mr. Villari and he provided Mr. Hendrikx with a copy of the patent application. Along with this copy the declaration of inventor and the EPO Form 1003 (Authorization) for filing during the international stage were attached as well. Both forms were sent back to our office signed by Mr. Hendrikx. See attached as Appendix B.
- 6. The documents provided by the office of Marshall, Gerstein & Borun LLP, were forwarded to Mr. Villari as the patent manager of Scheuten Glasgroep trying to obtain the signatures of all inventors. But because Mr. Hendrikx had left the Scheuten Glasgroep Mr. Villari was not able to obtain the signatures of Mr. Hendrikx. Therefore we sent the documents to Mr. Hendrikx last known address to Mambostraat 88, NL-5802 LE Vaals.
- 7. The letter came back with the comment: "Niet afgehaald" = "Not picked up." See attached copy of the envelope, Appendix C. Then we sent the letter to the following address: Mambostraat 88, NL-5802 LE Venray. This letter also came back. See attached copy of the envelope with the comment: "onbewoond" = "uninhabited," Appendix C. We performed an Internet search, data base of "KPN" but couldn't find a person named Paul Hendrikx. See attached appendix D.

8. Mr. Hendrikx last confirmed residential address is:

Mambostraat 88

NL 5802 LE-Vaals

Netherlands

On today's date, November 14, 2006 we were told by a friend of Mr. Hendrikx that this his new address is:

Honingklaver 117

5803 DE Venray

Netherlands

We have also sent the application and inventor's declaration to this address today.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated:

14.11.2006

Aachen, Germany

Christine Davids

Jostarndt Patentawalts AG

Appendix A to Statement of Facts Under 37 C.F.R. § 1.47(a) by Christine Davids

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13/11 2006 MON 15:45 FAX 021193889922 GTW Rechtsanwaelte

AC II 6 Z20 I FET - WD W-Atty. Docket No. 30882/SCG5205

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION THEREOF," the specification of which was filled on December 8, 2003, as International Application No. PCT/EP2003/014029 (U.S. Scrial No. 10/539,877) and was amended on June 15, 2005. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application for patent or inventor's certificate or of any international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application of which priority is claimed:

			Priority Claimed
02028400.6	EP	18 December	er 2002 🔯 🗇
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(Application Script Number)		(Day/Month/Year Filed)	• .
f hereby claim the benefit	under 35 U.S.C. §120 of any	United States application or interna-	tional application designating
		ject matter of each of the claims of	— — — — — — — — — — — — — — — — — — —
	•	irst paragraph of 35 U.S.C. §112, I	
		to patentability as defined in 37 C.I	
		r international filing date of this app	
-			
Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pendin	ig or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

13/11 2006 MON 15:46 FAX 021193889922 GTW Rechtsanwaelte

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

AC III SECOL SECOL SALES

All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

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Atty. Docket No. 30882/SCG5205

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION
THEREOF," the specification of which was filed on December 8, 2003, as International Application No. PCT/EP2003/014029
(U.S. Serial No. 10/539,877) and was amended on June 15, 2005. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application for patent or inventor's certificate or of any international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application of which priority is claimed:

		Prior	rity Claimed
02028400.6	EP	18 December 2002	
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes No
I hereby claim the benefit	under 35 U.S.C. §119(e) of any	United States provisional application listed below:	٠.
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(Application Serial Number)	(D	sy/Month/Year Filed)	
I hereby claim the benefit	under 35 U.S.C. §120 of any Un	ited States application or international application d	lesignating
		t matter of each of the claims of this application is n	
disclosed in the prior application in	the manner provided by the first	paragraph of 35 U.S.C. §112, I acknowledge the de	uty to
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I hereby declare that all statements made berein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

FIRM NAME	PHONE NO.	STRE		CITY & STATE	ZIP CODE	
Marshall, Gerstein & Borun LLP	312-474-6300	6300 Sear. 233 South Wi		Chicago, Illinois	60606-6357	
Full Name of First or Sole Inventor Gerhard Meyer			Citizenship Germany			
Residence Address - Street Alte Delogstrasse 26	<u> </u>		Post Office Addr Alte Delogstr			
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State or Country Germany			State or Country Germany			9
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Second Joint Inventor, if any		4	Citizenship			
Valentino Villari Residence Address - Street			Germany Post Office Addr	*		
Kaldenkirchener Str. 39 City (Zip)			Kaldenkircher City (Zip)			
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Third Joint Inventor, if any Tobias Roth			Citizenship Germany			
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Fourth Joint Inventor, if any Nikolas Wirth			Citizenship Germany			
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	Citizenship Germany Post Office Address - Street Schlossstrasse 139 City (Zip) 46535 Dinslaken State or Country Germany Signature

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION THEREOF," the specification of which was filed on December 8, 2003, as International Application No. PCT/EP2003/014029 (U.S. Serial No. 10/539,877) and was amended on June 15, 2005. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

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02028400.6	EP	18 December 2002	\boxtimes \sqcap
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes No
I hereby claim the benef	it under 35 U.S.C. §119(e) of any Unite	ed States provisional application listed b	elow:
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I hereby claim the benef	it under 35 U.S.C. §120 of any United	States application or international applic	ation designating
the United States of America liste	ed below and, insofar as the subject mat	ter of each of the claims of this applicat	ion is not
disclosed in the prior application	in the manner provided by the first para	igraph of 35 U.S.C. §112, I acknowledge	e the duty to
disclose to the Office all information	tion known to me to be material to pate	ntability as defined in 37 C.F.R. §1.56 w	hich occurred
between the filing date of the price	or application and the national or interna	ational filing date of this application:	
		·	
(Application Serial Number)	(Day/Month/Year Filed)	(Status-Patented, Pending or Abandon	ed)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

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City (Zip) 46483 Wesel		City (Zip) 46483 We		;	
State or Country		State or Cour	ntry		8
Germany	×	Germany			S
Date ☑		Signature 🗹			
Second Joint Inventor, if any Valentino Villari		Citizenship Germany			
Residence Address - Street			Address - Street		
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State or Country		State or Cour	ntry	* * * * * * * * * * * * * * * * * * *	B
Germany		Germany			S. C. C.
Date ☑		Signature ☑		-	
Third Joint Inventor, if any		Citizenship			7
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State or Country		State or Coun	itry	4 6 6 7 7 8 8 8 7 9	B
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Date 2006 - 05 - 21		Signature ☑			
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Fourth Joint Inventor, if any	to the state of th	Citizenship	•		C
Nikolas Wirth		Germany			- decrepance and sta
Residence Address - Street			ddress - Street		Tr. (panelsource)
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Fifth Joint Inventor, if any Christian Puettmann	Citizenship Germany			
Residence Address - Street Auf der Flage 3b	Post Office Address - Street Auf der Flage 3b			
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Date ☑	Signature ☑			
Sixth Joint Inventor, if any Thomas Fenner	Citizenship Germany			
Residence Address - Street Schlossstrasse 139	Post Office Address - Street Schlossstrasse 139			
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State or Country Germany	State or Country Germany			
Date ☑	Signature ☑			
Seventh Joint Inventor, if any Paul Hendrikx	Citizenship Germany			
Residence Address - Street Mambostraat 88	Post Office Address - Street Mambostraat 88			
City (Zip) NL-5802 LE Venray	City (Zip) NL-5802 LE Venray			
State or Country The Netherlands	State or Country The Netherlands			
Date	Signature Ø			

APPLICABLE RULES AND STATUTES

37 CFR 1.56. DUTY OF DISCLOSURE - INFORMATION MATERIAL TO PATENTABILITY (Applicable Portion)
(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no

disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentability defines, to make sure that any material information contained therein is disclosed to the Office.

patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of

Information relating to the following factual situations enumerated in 35 USC 102 and 103 may be considered material under 37 CFR 1.56(a).

35 U.S.C. 102. CONDITIONS FOR PATENTABILITY: NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion)
A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of is title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 112. SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "FIRE PROTECTION MEANS AND METHOD FOR THE PRODUCTION THEREOF," the specification of which was filed on December 8, 2003, as International Application No. PCT/EP2003/014029 (U.S. Serial No. 10/539,877) and was amended on June 15, 2005. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application for patent or inventor's certificate or of any international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application of which priority is claimed:

			Priority Claim
02028400.6	EP	18 December 2002	
(Application Serial Number)	(Country)	(Day/Month/Year Filed)	Yes No
I hereby claim the bene	fit under 35 U.S.C. §119(e) of any Unit	ed States provisional application listed be	elow:
Application Serial Number)	(Day/Me	onth/Year Filed)	
I hereby claim the bene	fit under 35 U.S.C. §120 of any United	States application or international applica	
I hereby claim the bene he United States of America list	fit under 35 U.S.C. §120 of any United ed below and, insofar as the subject ma	States application or international applicater of each of the claims of this application	on is not
I hereby claim the bene he United States of America list lisclosed in the prior application	fit under 35 U.S.C. §120 of any United ed below and, insofar as the subject man in the manner provided by the first para	States application or international applicater of each of the claims of this application application of 35 U.S.C. §112, I acknowledge	on is not the duty to
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

All practitioners at Customer Number 04743

Send correspondence to: James P. Zeller

FIRM NAME PHONE NO. Marshall, Gerstein & Borun LLP 312-474-6300	STREET 6300 Sears Tower 233 South Wacker Drive	CITY & STATE Chicago, Illinois	ZIP CODE 60606-6357
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Date ☑	Signature ☑		
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Date	Signature ☑		
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Residence Address - Street Forststiege 3	Post Office Ad Forststiege		
City (Zip) 48249 Duelmen	City (Zip) 48249 Dueli		
State or Country Germany	State or Countr Germany	Y	
Date 24. 34li 2006	Signature 🗸	1.0148	
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Christian Puettmann Germany	Fifth Joint Inventor, if any	Citizenship	
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Sixth Joint Inventor, if any Thomas Fenner Residence Address - Street Schlossstrasse 139 City (Zip) A6535 Dinslaken State or Country Germany Date Seventh Joint Inventor, if any Paul Hendrikx Residence Address - Street Signature Mambostraat 88 City (Zip) NL-5802 LE Venray State or Country State or Country The Netherlands Date Signature Signature City (Zip) NL-5802 LE Venray State or Country The Netherlands Date Signature	Germany	Germany	
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City (Zip) 46535 Dinslaken State or Country Germany Date Seventh Joint Inventor, if any Paul Hendrikx Residence Address - Street Mambostraat 88 Dity (Zip) NL-5802 LE Venray State or Country City (Zip) NL-5802 LE Venray State or Country State or Country State or Country The Netherlands Signature State or Country The Netherlands Signature	Residence Address - Street	Post Office Address - Street	
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Seventh Joint Inventor, if any Ceventh Joint Inventor, if any Caul Hendrikx Cesidence Address - Street Mambostraat 88 City (Zip) NL-5802 LE Venray Citate or Country Che Netherlands Cate Signature Citizenship Germany Cermany Cermany Country City (Zip) NL-5802 LE Venray City (Zip) NL-5802 LE Venray Citate or Country Che Netherlands Country	State or Country	State or Country	
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APPLICABLE RULES AND STATUTES

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraph (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER (Applicable Portion) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of is title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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35 U.S.C. 112. SPECIFICATION (Applicable Portion)

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Declaration and Power of Attorney for Patent Application

Erklärung für Patentanmeldungen mit Vollmacht

German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

Fire Protection Means and Method for the Production Thereof

deren Beschreibung hier beigefügt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

unter der US-Anmeldenummer oder unter der Internationalen Anmeldenummer im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens

PCT/EP2003/014029 und am

June 15, 2005 abgeändert (falls zutreffend).

(PCT)

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Fire Protection Means and Method for the Production Thereof

the specification of which is attached hereto unless the following box is checked:

x was filed on <u>December 8, 2003</u>
as United States Application Number or
PCT International Application Number

PCT/EP2003/014029 and was amended on June 15, 2005 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.



German Language Declaration

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten Auslandsanmeldungen für Patente

Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung

oder eines aufgrund deren erteilten Patentes gefährden können.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number).

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(Supply similar information and signature for third and subsequent joint inventors.)

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Tobias Roth	Full name of third joint inventor, if any Tobias Roth
Unterschrift des Erfinders Datum	Inventor's signature Date
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GERMANY	GERMANY
	Full name of fifth initiation is
Christian Puettmann	Full name of fifth joint inventor, if any
	Christian Puettmann
Interschrift des Erfinders Datum	
Interschrift des Erfinders Datum 30.06.2006	Christian Puettmann
Unterschrift des Erfinders Datum 30.06.2006 Wohnsitz	Christian Puettmann Inventor's signature Date Residence
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Jnterschrift des Erfinders Datum 30.06.2006 Wohnsitz Duelman, Germany Staatsangehorigkeit	Christian Puettmann Inventor's signature Date Residence Duelman, Germany Citizenship
Unterschrift des Erfinders Datum 30.06.2006 Wohnsitz Duelman, Germany Staatsangehorigkeit Germany	Christian Puettmann Inventor's signature Date Residence Duelman, Germany
Jnterschrift des Erfinders Datum 30.06.2006 Wohnsitz Duelman, Germany Staatsangehorigkeit Germany Postanschrift Auf der Flage 3b	Christian Puettmann Inventor's signature Date Residence Duelman, Germany Citizenship Germany Post Office Address
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Jnterschrift des Erfinders Datum Jo. 06. 2006 Wohnsitz Duelman, Germany staatsangehorigkeit Germany ostanschrift auf der Flage 3b 8249 Duelman	Christian Puettmann Inventor's signature Date Residence Duelman, Germany Citizenship Germany Post Office Address Auf der Flage 3b
Joseph Jo	Christian Puettmann Inventor's signature Date Residence Duelman, Germany Citizenship Germany Post Office Address Auf der Flage 3b 48249 Duelman GERMANY
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Interschrift des Erfinders Jo. 06. 2006 Wohnsitz Duelman, Germany Staatsangehorigkeit Germany Postanschrift Auf der Flage 3b 8249 Duelman GERMANY Chornas Fenner Interschrift des Erfinders Datum	Christian Puettmann Inventor's signature Date Residence Duelman, Germany Citizenship Germany Post Office Address Auf der Flage 3b 48249 Duelman GERMANY Full name of sixth joint inventor, if any Thomas Fenner
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Wohnsitz Duelman, Germany Staatsangehorigkeit Germany Postanschrift Auf der Flage 3b 8249 Duelman GERMANY Chomas Fenner	Christian Puettmann Inventor's signature Date Residence Duelman, Germany Citizenship Germany Post Office Address Auf der Flage 3b 48249 Duelman GERMANY Full name of sixth joint inventor, if any Thomas Fenner Inventor's signature Date Residence Dinslaken, Germany Citizenship Germany



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Staatsangehorigkeit	Citizenship
Postanschrift	Post Office Address
	Full name of ninth joint inventor, if any
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Wohnsitz	Residence
Staatsangehorigkeit	Citizenship
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Unterschrift des Erfinders Datum	Inventor's signature Date
Wohnsitz	Residence
	Citizenship
Staatsangehorigkeit	
	Post Office Address



Appendix B to Statement of Facts Under 37 C.F.R. § 1.47(a) by Christine Davids

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		beansprucht wird, vorangeht.
		COASSAS C BD AC December 2002

(08.12.2002)

VIII-4-1 Frühere Anmeldungen:

-1

02028400.6, EP, 08 Dezember 2002

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		ROTH, Tobias
	Name:	ROTH, Tobias
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-JZ	od. Land)	
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	Anmeldung komigiert oder hinzugefügt	
	wurde)	
VIII-4-1	Name:	WIRTH, Nikolas
-4-1		
VIII-4-1	Sitz oder Wohnsitz:	Dülmen, Deutschland
-4-2	(Stadt und jeweils amerikanischer Staat	
1 2114 A A	od. Land)	Forststiege 3
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VIII-4-1	Staatsangehörigkeit	DE
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VIII-4-1	Unterschrift des Erfinders	N. CSVL
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VIII-4-1	Datum:	Destination of the state of the
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	laut der Regel 26ter nach der	
	Einreichung der internationalen Anmeldung korrigiert oder hinzugefügt	
	wurde)	

•	Name:	DR PÜTTMANN, Christian
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VIII-4-1 -5-3	Postanschrift:	Auf der Flage 3b
VIII-4-1	Staatsangehörigkeit	DE wird night als Erfinden benand
-5-4 VIII-4-1 -5-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter komigiert oder hinzugefüg wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	Wird Richt To
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VIII-4-1	Name:	FENNER, Thomas
-6-1 VIII-4-1 -6-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat	Dinslaken, Deutschland
VIII-4-1 -6-3	od. Land) Postanschrift:	Schlossstrasse 139
VIII-4-1	Staatsangehörigkeit	DE
-6-4 VIII-4-1 -6-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefüg wurde. Die Unterschrift soll nicht des Agentes, sondem des Erfinders sein.)	29.03.2004, Rechling brunsen
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VIII-4-1	Name:	HENDRIKX, Paul
-7-1 VIII-4-1 -7-2	Sitz oder Wohnsitz: (Stadt und jeweils amerikanischer Staat od. Land)	LE Venray, Niederlande
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VIII-4-1 -7-5	Unterschrift des Erfinders (falls nicht im Antrag enthalten, oder falls die Erklärung nach der Einreichung dieser internationalen Anmeldung laut der Regel 26ter korrigiert oder hinzugefüg wurde. Die Unterschrift soll nicht des Agentes, sondern des Erfinders sein.)	Allotte
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AC SCG 5205 PEP-WO

Paul Hendrikx Mambostraat 88 NL-5802 LE Vaals

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PATENTANWÄLTE JOSTARNDT – THUL BRÜSSELER RING 51, 52074 AACHEN, GERMANY

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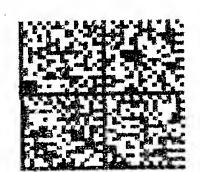
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